

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KDH CONSULTING GROUP LLC,

**20-cv-3274 (VM)**

Plaintiff,

**ECF Case**

– against –

ITERATIVE CAPITAL MANAGEMENT L.P.,  
ITERATIVE CAPITAL GP, LLC, ITERATIVE OTC,  
LLC, ITERATIVE MINING, LLC, BRANDON  
BUCHANAN and CHRISTOPHER DANNEN,

**STIPULATION AND  
PROPOSED ORDER**

Defendants.

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VICTOR MARRERO, United States District Judge.

WHEREAS, on April 27, 2020, Plaintiff KDH Consulting Group LLC commenced this action against Defendants;

WHEREAS, on the same day, Plaintiff submitted the Declaration of Wayne Hatami In Support of Plaintiff's Application for Preliminary Injunction and Temporary Restraining Order (the "Hatami Declaration");

WHEREAS, Plaintiff filed the Hatami Declaration and the attachments thereto under seal;

WHEREAS, at a hearing on May 5, 2020, Judge Marrero instructed the parties to discuss whether the documents filed under seal could be filed publicly;

WHEREAS, on May 11, 2020, the Court further instructed and ordered the parties to inform the Court by May 13, 2020, which portions of the Hatami Declaration and its exhibits should be sealed;

WHEREAS, counsel for Plaintiff and counsel for Defendants (each individually a “Party” and collectively the “Parties”) have conferred and agree that the Hatami Declaration and all of its exhibits can be filed publicly and need not be filed under seal, as long as certain nonpublic and confidential material is redacted therefrom;

WHEREAS, the Parties acknowledge that redaction of any sensitive information only extends to the limited information or items that are entitled, under the applicable legal principles, to confidential treatment; and

WHEREAS, Defendants have not yet answered or otherwise responded to Plaintiff’s Complaint;

IT IS HEREBY ORDERED that the Parties shall adhere to the following terms:

1. Plaintiff shall publicly file the Hatami Declaration and all of its exhibits (Dkt. No. 8) via the Electronic Case Filing System, redacting the Parties’ personal identification information (“PII”) (e.g., social security numbers, financial account numbers, passwords, and information that may be used for identity theft), including personal emails.

2. In the event that a Party subsequently notices any unredacted PII among the documents filed publicly, such Party shall immediately notify the filing Party of the same and cooperate with the filing Party to address and remedy the public filing.

3. Defendants’ entry into this Stipulation per the Court’s May 11 order is not intend to, and shall not, constitute a waiver of any claims or defenses, including jurisdictional defenses that Defendants may present in their response to the Complaint.

4. Nothing herein shall preclude the Parties from asserting legal claims or constitute a waiver of legal rights or defenses in the event of litigation arising out of the filing person’s failure to appropriately protect PII from unauthorized disclosure.

SO STIPULATED AND AGREED.

/s/ Rika Khurdayan  
DILENDORF KHURDAYAN PLLC  
*Counsel for the Plaintiff*  
60 Broad Street, 24th Floor  
New York, NY 10004  
Tel: (212) 457-9797  
rk@dilendorf.com

Dated: May 13, 2020  
New York, New York

/s/ Robert Boller  
BARNES & THORNBURG LLP  
*Counsel for the Defendants*  
445 Park Avenue, Suite 700  
New York, NY 10022  
Tel: (646) 746-2020  
rboller@btlaw.com

Dated: May 13, 2020  
New York, New York

SO ORDERED.

Dated: May \_\_\_, 2020  
New York, New York

VICTOR MARRERO  
United States District Judge